

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kristopher Lee Roybal, et al.,

Case No. 24-cv-1652 (ECT/DTS)

Plaintiffs,

v.

REPORT AND RECOMMENDATION

Paul Schnell, Commissioner of
Corrections – sued in his official capacity,

Defendant.

In an order dated May 14, 2024, this Court noted that each of the plaintiffs named to this action would be required to apply for *in forma pauperis* (IFP) status if any of the plaintiffs intended to proceed IFP. See Docket No. 19. Each of the plaintiffs named in the initial pleading was given 28 days in which to file an IFP application, failing which it would be recommended that any non-responsive plaintiff be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and plaintiffs Lance Lee Houle, Juan Trinidad Vasquez, Sheldon James Smith, Sequoyah James Bosto, Patrick Charles Lussier, Kenneth James Harrison, Jr., Jeremiah Lee Ironrope, Perce Leonard French, Jr., Vincent Lee Williams, Dion James Jones, Parker Steven LaFromboise, Joseph Allen Azure, and Owen Jonathan White have not submitted IFP applications. In fact, none of the plaintiffs just listed has communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, consistent with the warning previously given, that those plaintiffs be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir.

2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS THAT: Plaintiffs Lance Lee Houle, Juan Trinidad Vasquez, Sheldon James Smith, Sequoyah James Bosto, Patrick Charles Lussier, Kenneth James Harrison, Jr., Jeremiah Lee Ironrope, Perce Leonard French, Jr., Vincent Lee Williams, Dion James Jones, Parker Steven LaFromboise, Joseph Allen Azure, and Owen Jonathan White be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: June 27, 2024

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).